IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3338 OF 2005

Shri Balgonda Daulata Patil ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr.R.V.More for the applicant.

Mr.V.B.Konde-deshmukh APP for Respondent/State.

Coram : R.S.MOHITE,J

Date : 19.05.2005.

PC

1. This is an application for grant of bail. The applicant is shown as an accused in C.R.No.24/2005 registered at Palus police station, Sangli on 18.3.2005 for alleged offences under sections 302, 324, 323, 120-B, 506 read with 34 of IPC. The prosecution case is that the deceased had enmity with his real brother by name Ashiwinikumar. The incident took place on 17.3.2005. Admittedly, the deceased was assaulted by the 2 sons of the present applicant by name Vidyasagar and Pradumna. In so far as the present applicant is concerned, he has not assaulted the deceased though he obstructed some of the persons from intervening and instigating "don’t leave him, cut him.".

2. Taking an over all view of the matter and taking into account the fact that the applicant did not use the weapon and his role is only relating to instigation and also taking into account that he is an elderly man, I am inclined to grant bail. Pending his trial, applicant be released on bail in the sum of Rs.10,000/- with one surety in the like amount subject to the condition that he will report to Palus police station Sangli once a fortnight.

. Parties to act on an ordinary copy of this order duly authenticated by the Personal Secretary/Court Sheristedar of this Court as a true copy.

(R.S.MOHITE,J)